

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DEBRA A. NELSON,	)	
	)	
Plaintiff,	)	CV-04-1143-ST
	)	
v.	)	FINDINGS AND RECOMMENDATION
	)	
COMMISSIONER OF THE SOCIAL SECURITY	)	
ADMINISTRATION,	)	
	)	
Defendant.	)	
_____	)	

STEWART, Magistrate Judge:

**FINDINGS**

After this case was filed on August 18, 2004, defendant filed its Answer and Administrative Record on November 18, 2004. Plaintiff then requested and received three extensions of time in which to file her opening brief, with the last extension expiring on October 17, 2005 (dockets ## 5-10). Based on a stipulated motion, this court allowed plaintiff's attorney to withdraw on October 19, 2005 (dockets ## 12-14).

On October 21, 2005, this court ordered that plaintiff show cause in writing by November 21, 2005, why this case should not be dismissed for want of prosecution. Order to Show Cause (docket #15). Plaintiff has not responded.

### **RECOMMENDATION**

Pursuant to Local Rule 41.2, this case should be dismissed without prejudice.

### **SCHEDULING ORDER**

Objections to the Findings and Recommendation, if any, are due **December 16, 2005**. If no objections are filed, then the Findings and Recommendation will be referred to a district court judge and go under advisement on that date.

If objections are filed, then a response is due within 10 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will be referred to a district court judge and go under advisement.

### **NOTICE**

This Findings and Recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any Notice of Appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment.

DATED this 28<sup>th</sup> day of November, 2005.

/s Janice M. Stewart \_\_\_\_\_  
Janice M. Stewart  
United States Magistrate Judge